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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,338	02/09/2004	Hiroyuki Komai	1046.1309	8928
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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER KIM, JUNG W	
			ART UNIT 2132	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,338

Applicant(s)

KOMAI, HIROYUKI

Examiner

Jung Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date see enclosed.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-12 are pending.

Information Disclosure Statement

2. The IDS submitted on 5/17/04 has been considered. An initialed copy is enclosed.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4, 8 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 4, 8 and 12 recite the limitation "the accumulated log-in count." There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 5 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by

Chang et al. US Patent Application Publication No. 20030131110 (hereinafter Chang).

8. As per claim 5, Chang discloses an authentication information processing device comprising: apparatus information acquiring module acquiring apparatus information of a user apparatus requesting a log-in (paragraph 28-32); log-in procedure determining module determining a log-in procedure to be applied to the user apparatus on the basis of the apparatus information (paragraphs 30, 34 and 39); log-in accepting module accepting a log-in operation from the user apparatus; and log-in judging module judging, based on the determined log-in procedure and on the accepted log-in operation, whether the log-in from the user apparatus is permitted or not (paragraph 34).

9. As per claim 1, it is a claim corresponding to claim 5, and it does not teach or define above the information claimed in claim 5. Therefore, claim 1 is rejected as being anticipated by Chang for the same reasons set forth in the rejection of claim 5.

10. As per claim 9, it is a claim corresponding to claim 5, and it does not teach or define above the information claimed in claim 5. Therefore, claim 9 is rejected as being anticipated by Chang for the same reasons set forth in the rejection of claim 5.

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11. Claims 1, 2, 5, 6, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Sands et al. US Patent Application Publication No. 20040148526 (hereinafter Sands).

12. As per claims 5 and 6, Sands discloses an authentication information processing device comprising: apparatus information acquiring module acquiring apparatus information of a user apparatus requesting a log-in (paragraph 68); log-in procedure determining module determining a log-in procedure to be applied to the user apparatus on the basis of the apparatus information (paragraphs 71 and 74); log-in accepting module accepting a log-in operation from the user apparatus; and log-in judging module judging, based on the determined log-in procedure and on the accepted log-in operation, whether the log-in from the user apparatus is permitted or not (paragraph 80); accumulated log-in count storing module storing an accumulated log-in count from the user apparatus with the accumulated log-in count related to the apparatus information, wherein the log-in judging module determines to the log-in procedure in accordance with the accumulated log-in count (84).

13. As per claims 1 and 2, they are claims corresponding to claims 5 and 6, and they do not teach or define above the information claimed in claims 5 and 6. Therefore, claims 1 and 2 are rejected as being anticipated by Sands for the same reasons set forth in the rejections of claims 5 and 6.

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14. As per claims 9 and 10, they are claims corresponding to claims 5 and 6, and they do not teach or define above the information claimed in claims 5 and 6. Therefore, claims 9 and 10 are rejected as being anticipated by Sands for the same reasons set forth in the rejections of claims 5 and 6.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 2, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Harris USPN 7,079,652 (hereinafter Harris).

17. As per claim 6, the rejection of claim 5 under 35 USC 102(e) as being anticipated by Chang is incorporated herein. Chang does not disclose the device further comprising an accumulated log-in count storing module storing an accumulated log-in count from the user apparatus with the accumulated log-in count related to the apparatus information, wherein the log-in judging module determines to the log-in procedure in accordance with the accumulated log-in count. Harris discloses a security protection device, wherein a security level is assigned based on the number of login attempts by the user. Different security levels are associated with different login techniques/security techniques. Col. 4:12-50. It would be obvious to one of ordinary

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skill in the art at the time the invention was made for the invention of Chang to further include an accumulated log-in count storing module storing an accumulated log-in count from the user apparatus with the accumulated log-in count related to the apparatus information, wherein the log-in judging module determines to the log-in procedure in accordance with the accumulated log-in count. One would be motivated to do so for a more secure authentication technique by requiring more secure authentication routines as a result of a high number of login attempts as disclosed by Harris and as known to one of ordinary skill in the art. Col. 3:58-60. The aforementioned cover the limitations of claim 6.

18. As per claim 2, it is a claim corresponding to claim 6, and it does not teach or define above the information claimed in claim 6. Therefore, claim 2 is rejected as being unpatentable over Chang in view of Harris for the same reasons set forth in the rejection of claim 6.

19. As per claim 10, it is a claim corresponding to claim 6, and it does not teach or define above the information claimed in claim 6. Therefore, claim 10 is rejected as being unpatentable over Chang in view of Harris for the same reasons set forth in the rejection of claim 6.

20. Claims 2-4, 6-8, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Watson USPN 5,475,839 (hereinafter Watson).

21. As per claims 6-8, the rejection of claim 5 under 35 USC 102(e) as being anticipated by Chang is incorporated herein. Chang does not disclose the device further comprising an accumulated log-in count storing module storing an accumulated log-in count from the user apparatus with the accumulated log-in count related to the apparatus information, wherein the log-in judging module determines to the log-in procedure in accordance with the accumulated log-in count; a last log-in time storing module storing a last log-in time to be applied to the user apparatus with the last log-in time related to the apparatus information, wherein the log-in procedure judging module determines the log-in procedure in accordance with a period elapsed since the last log-in time; a security level determining module determining a security level for the user apparatus by referring to any one of the apparatus information, the accumulated log-in count and the elapsed period, wherein the log-in procedure determining means determines the log-in procedure in accordance with the security level. Watson discloses a device for securing access to a computer system, wherein the device determines the number of login attempts during a specified period of time, including the period since a last valid login, or during a particular time period; and determines a log-in procedure based on the number of log-in attempts during the time period, including the period since the last valid login, or during a particular time period. Col. 13:59-15:4. The greater the number of log-in attempts during the specified period of time, including the period since a last valid login, or during a particular time period, results in a higher security level by selecting a more secure means log-in procedure. Ibid. Therefore, it

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would be obvious to one of ordinary skill in the art at the time the invention was made for the device disclosed by Chang to further comprising an accumulated log-in count storing module storing an accumulated log-in count from the user apparatus with the accumulated log-in count related to the apparatus information, wherein the log-in judging module determines to the log-in procedure in accordance with the accumulated log-in count; a last log-in time storing module storing a last log-in time to be applied to the user apparatus with the last log-in time related to the apparatus information, wherein the log-in procedure judging module determines the log-in procedure in accordance with a period elapsed since the last log-in time; and a security level determining module determining a security level for the user apparatus by referring to any one of the apparatus information, the accumulated log-in count and the elapsed period, wherein the log-in procedure determining means determines the log-in procedure in accordance with the security level. One would be motivated to do so to prevent unauthorized users from attempting to illegally gaining access to the system by instituting higher security thresholds to access the system. Watson, col. 14:34-44. The aforementioned cover the limitations of claims 6-8.

22. As per claims 2-4, they are claims corresponding to claims 6-8, and they do not teach or define above the information claimed in claims 6-8. Therefore, claims 2-4 are rejected as being unpatentable over Chang in view of Watson for the same reasons set forth in the rejections of claims 6-8.

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23. As per claims 10-12, they are claims corresponding to claims 6-8, and they do not teach or define above the information claimed in claims 6-8. Therefore, claims 10-12 are rejected as being unpatentable over Chang in view of Watson for the same reasons set forth in the rejections of claims 6-8.

24. Claims 3, 4, 7, 8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sands in view of Watson USPN 5,475,839 (hereinafter Watson).

25. As per claims 7 and 8, the rejection of claims 5 and 6 under 35 USC 102(e) as being anticipated by Sands is incorporated herein. Sands does not disclose the device further comprising a last log-in time storing module storing a last log-in time to be applied to the user apparatus with the last log-in time related to the apparatus information, wherein the log-in procedure judging module determines the log-in procedure in accordance with a period elapsed since the last log-in time; and a security level determining module determining a security level for the user apparatus by referring to any one of the apparatus information, the accumulated log-in count and the elapsed period, wherein the log-in procedure determining means determines the log-in procedure in accordance with the security level. Watson discloses a device for securing access to a computer system, wherein device determines the number of login attempts during a specified period of time, including the period since a last valid login, or during a particular time period; and determines a log-in procedure based on the number of log-in attempts during the time period, including a periods since the last valid login, or

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during a particular time period. Col. 13:59-15:4. The greater the number of log-in attempts during the specified period of time, including the period since a last valid login, or during a particular time period, results in a higher security level by selecting a more secure means log-in procedure. Ibid. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the device disclosed by Chang to further comprising a last log-in time storing module storing a last log-in time to be applied to the user apparatus with the last log-in time related to the apparatus information, wherein the log-in procedure judging module determines the log-in procedure in accordance with a period elapsed since the last log-in time; and a security level determining module determining a security level for the user apparatus by referring to any one of the apparatus information, the accumulated log-in count and the elapsed period, wherein the log-in procedure determining means determines the log-in procedure in accordance with the security level. One would be motivated to do so to prevent unauthorized users from attempting to illegally gaining access to the system by instituting higher security thresholds to access the system. Watson, col. 14:34-44. The aforementioned cover the limitations of claims 7 and 8.

26. As per claims 3 and 4, they are claims corresponding to claims 7 and 8, and they do not teach or define above the information claimed in claims 7 and 8. Therefore, claims 3 and 4 are rejected as being unpatentable over Sands in view of Watson for the same reasons set forth in the rejections of claims 7 and 8.

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27. As per claims 11 and 12, they are claims corresponding to claims 7 and 8, and they do not teach or define above the information claimed in claims 7 and 8. Therefore, claims 11 and 12 are rejected as being unpatentable over Sands in view of Watson for the same reasons set forth in the rejections of claims 7 and 8.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See enclosed PTO 892.

Communications Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jung Kim
Examiner
AU 2132
July 5, 2007